



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Jameson Lee
Telephone: (703) 308-9797
Facsimile: (703) 305-0942

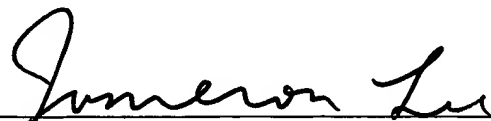
MAILED**OCT 2 - 1998****PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicant: Pyne
Serial No.: 09/512,967, filed 02/24/00
For: Remote File Transfer Method and
Apparatus

Accorded benefit: 08/445,781, filed 5/22/95,
now Patent 5,721,907, granted 2/24/98 and
08/182,969, filed 1/14/94, now Patent
5,446,888, granted 08/29/95

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,024.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).



JAMESON LEE
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: JAMESON LEE
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed
October 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

OCT 2 - 2002

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES F. PYNE

Senior Party

(U. S. Serial No. 09/512,967, Patent Nos. 5,721,907 and 5,446,888),

v.

JIM HARLAN and HENRY E. THOMASJ, JR.

Junior Party,

(U.S. Serial No. 08/593,477).

Patent Interference No. 105,024

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Jameson Lee has been designated to handle the interference.
37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **10:00 am on November 12, 2002** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventor: Charles F. Pyne, Norfolk, Mass.

Application/Patent: 1. 09/512,967, filed February 24, 2000

2. Patent 5,721,907, granted February 24, 1998, based on Application 08/445,781, filed May 22, 1995

3. Patent 5,446,888, granted August 29, 1995, based on Application 08/182,969, filed January 14, 1994

Title: Remote File Transfer Method and Apparatus (09/512,967)

Remote File Transfer Method and Apparatus (5,721,907)

Remote File Transfer Method and Apparatus (5,446,888)

Assignee: Laplink, Inc.

Accorded Benefit for Count 1:

Accorded Benefit: Patent 5,721,907, granted February 24, 1998, based on Application 08/445,781, filed May 22, 1995

Accorded Benefit for Count 2:

Patent 5,446,888, granted August 29, 1995, based on Application 08/182,969, filed January 14, 1994

Attorneys: See last page

Address: See last page

Senior Party

Named inventor: Jim Harlan, Southfield, MI
Henry E. Thomas, Jr., Ypsilantim, MI

Application: 08/593,477, filed January 29, 1996

Title: File Transfer Method and Apparatus Using Hash Numbers

Assignee: None

Accorded Benefit of Count 1:

Accorded Benefit: Application 08/179,955 filed January 3, 1994

Accorded Benefit of Count 2:

Application 08/179,955 filed January 3, 1994

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 1 of Pyne's Patent No. 5,446,888

or

Claim 15 of Harlan's Application 08/593,477

Count 2

Claim 2 of Pyne's Patent No. 5,446,888

or

Claim 16 of Harlan's Application 08/593,477

The claims of the parties are:

Pyne '967: 1-39

Pyne '907: 1-32

Pyne '888: 1-8

Harlan et al.: 15-20

The claims of the parties which correspond to Count 1 are:

Pyne '967: 1, 3, 4, 8, 37 and 39

Pyne '907: 1, 3, 4, and 8

Pyne '888: 1

Harlan et al.: 15

Count 2

Claim 2 of Pyne's Patent No. 5,446,888

or

Claim 16 of Harlan's Application 08/593,477

The claims of the parties which correspond to Count 2 are:

Pyne '967 2, 5-7, 9-36, and 38

Pyne '907 2, 5-7, and 9-32

Pyne '888 2-8

Harlan et al.: 16-20

The claims of the parties which do *not* correspond to Count 2 are:

Pyne '967 1, 3, 4, 8, 37 and 39

Pyne '907 1, 3, 4 and 8

Pyne '888 1

Harlan et al.: 15

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the
STANDING ORDER.

Paper ____¹
Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Jameson Lee)

CHARLES F. PYNE
Senior Party
(U. S. Serial No. 09/512,967, Patent Nos. 5,721,907 and 5,446,888),

v.

JIM HARLAN and HENRY E. THOMASJ, JR.
Junior Party,
(U.S. Serial No. 08/593,477).

Patent Interference No. 105,024

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 105,024

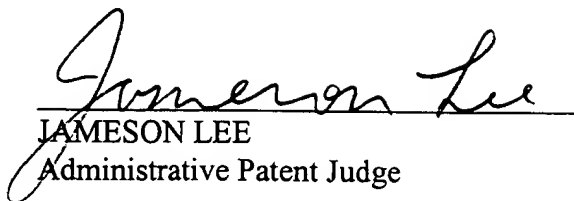
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


JAMESON LEE
Administrative Patent Judge

Date:
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850

Copy of claims of U.S. Application 09/512,967
Copy of U.S. Patent Nos. 5,721,907 and 5,446,888

Copy of claims of U.S. Application 08/593,477

DECLARE.007
Revised September 20, 2000
(replaces DECLARE.006.1)

cc (via Federal Express):

Attorney for Harlen:

Townsend and Townsend & Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

Attorney for Pyne:

Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OR 97204